

**REMARKS**

The above amendments and following remarks are responsive to the points raised in the July 1, 2005 non-final Office Action. Upon entry of the above amendments, Claim 14 will have been amended, Claim 23 will have been canceled, and Claims 14, 12-22, and 24-26 will be pending. Of the pending claims, Claims 24-26 have been withdrawn from further consideration as being drawn to a non-elected invention. No new matter has been introduced. Entry and reconsideration are respectfully requested.

**Response to Rejection under 35 U.S.C. § 112, Second Paragraph**

Claim 23 has been rejected under 35 U.S.C. § 112, second paragraph, on the basis that Claim 23 is “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Applicants traverse this rejection.

Applicants have canceled Claim 23 to obviate this rejection.

Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

**Response to the Rejections under 35 U.S.C. § 103(a)**

Claims 14, 17, 19, 22, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Imasaka et al. (Imasaka), Watanabe et al. (Watanabe), and newly cited US Patent 5,205,888 to Mochida et al. (Mochida). Claims 18, 20, and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Imasaka, Watanabe,

Mochida, as applied to Claim 14, and further in view of Tamai et al. (Tamai). Applicants traverse these rejection.

Applicants respectfully submit that the disclosures of Imasaka, Watanabe, Mochida, and Tamai, either alone or in combination, teach, suggest, or otherwise render obvious, the subject matter recited in independent Claim 14 and dependent Claims 17-22.

Since characteristics of a carbon fiber is generally affected by the starting raw material of the carbon fiber, the carbon fiber is distinguished by the name of raw material thereof. There are two kinds of carbon fibers. One is a PAN (polyacrylonitrile) origin carbon fiber which is made from PAN as a raw material. Another is pitch origin carbon fiber which is made from pitch provided by polymerizing tar obtained during the dry distillation of coal or the residual oil of the distillation or heat decomposition of crude oil by heat treatment. The pitch carbon fiber is further divided into two kinds. One kind of the pitch carbon fiber which is made from mesophased pitch producing liquid crystal phase (mesophase) optically exhibiting anisotropy when pitch is heated and changes from the liquid phase to the solid phase is called "mesophased pitch carbon fiber". Another kind of the pitch carbon fiber which is made from optically isotropic pitch but does not produce mesophase is called "isotropic carbon fiber". See, for example, the description from Page 22, Line 26, to Page 23, Line 24, of the present application.

The inventors of the present invention found that the carbon fiber generated from the mesophased pitch is most proper in the plural kinds of the carbon fibers, as the material used for the friction member of the vibration type driving apparatus, and the present invention is devised on the basis of thus obtained knowledge.

The reference to Imasaka discloses an ultrasonic motor including a stator, a rotor, and a friction material. Imasaka discloses a plurality of compositions from which the friction material has been fabricated, but does not teach or suggest a resin composition containing carbon fibers made from mesophase pitch as recited in Claim 14.

The reference of Watanabe teaches the resin compound obtained by distributing smectic liquid material compound into chrySTALLine thermoplasticity polymer, and shows that thus obtained resin compound is easily used for the projection molding. However, there is no description of the carbon fiber in the reference, and therefore the subject matter thereof is quite different from that of the present invention.

The reference to Mochida teaches a synthetic resin obtained by mixing the carbonaceous liquid crystal pitch (mesophase pitch) with the short carbon fiber. However, there is a description in Column 3, Lines 4-6 in Mochida that the short carbon fibers are formed from various kinds of carbon fibers including PANs and pitch. The present invention has a limitation of the use of the carbon fibers made from the mesophase pitch and therefore are distinguished over the disclosure of Mochida.

As described above, since the reference to Watanabe and Mochida neither teach or suggest the material of the present invention, even if the reference of Imasaka shows that the resin is used as a friction material for the ultrasonic motor, the combination of references can not teach or suggest the present invention. In addition, it is not seen where the teachings of Imasaka, Watababe, and Mochida, would have motivated one of ordinary skill in the art, at the time the invention was made, to have combined the teachings thereof and arrive at the subject matter recited in Claim 14. As such, the subject matter of independent Claim 14, as well as dependent Claims 17, 19, and 22, are distinguished

over the applied references of Imasaka, Watababe, and Mochida, either alone or in combination.

Furthermore, the secondary teaching of Tamai advanced no teaching, suggestion, or motivation that would have lead one of ordinary skill in the art, at the time the invention was made, to have combined the teachings of Imasaka, Watababe, Mochida, and Tamai, either alone or in combination, and arrived at the subject matter recited in Claims 14 and dependent Claims 18, 20, and 21. As such, the subject matter of Claims 18, 20, and 21 are distinguished over the teachings of Imasaka, Watababe, Mochida, and Tamai, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

### **CONCLUSION**

Applicant respectfully submits that Claims 14 and 17-22 are in condition for allowance and a notice to that effect is earnestly solicited.

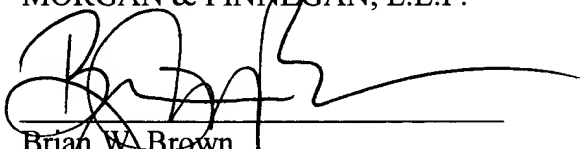
**AUTHORIZATIONS:**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1231-4475US1.

Respectfully submitted,  
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Date: September 28, 2005

By:

  
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